

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Asmund A. Browne**

**Docket No. 5:09-M-1264-1**

**Petition for Action on Probation**

COMES NOW Robert L. Thornton, probation officer of the court, presenting a petition for modification of the Judgment Order of Asmund A. Browne, who, upon an earlier plea of guilty to DWI Level 5, in violation of 18 U.S.C. § 13 assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on September 15, 2009, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. It is further ordered that the defendant shall participate in any other alcohol/drug rehabilitation and education program as directed by the U.S. Probation Office.
5. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant is supervised in the Middle District of North Carolina. He has not yet completed substance abuse treatment. The defendant did obtain a substance abuse assessment in November 2009, which did not recommend treatment services. However, he still needs to complete a DWI treatment program. Due to his change of address and his lack of transportation the defendant lost his job at Burger King. This contributed to the defendant not being able to pay for a DWI assessment. He recently reported securing another job. Therefore, we recommend that probation be extended six months to allow the defendant to complete DWI

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treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

That the term of probation be extended 6 months from the expiration date of September 14, 2010, until March 14, 2011.

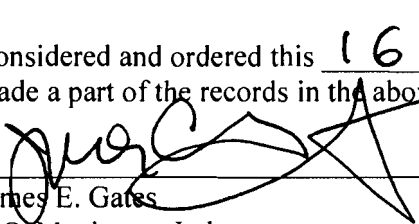
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: August 12, 2010

**ORDER OF COURT**

Considered and ordered this 16 day of August, 2010, and ordered filed and made a part of the records in the above case.

  
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James E. Gates  
U.S. Magistrate Judge